

REMARKS

I. Examiner Interview of September 8, 2010

Applicant acknowledges, with appreciation, the opportunity for the telephonic interview conducted on September 8, 2010, between the undersigned representative for Applicant, Examiner Sims, and Examiner Pyzocha. During the interview, Applicant's representative presented reasons for patentability of pending claims 26 and 38 over the references cited in the Office Action. Applicant acknowledges that, as reflected in the Examiner Interview Summary, mailed on September 10, 2010, the Examiner's agreed with Applicant's reasons, specifically indicating that "Dettinger does not teach all the limitations that it was relied upon for." The substance of Applicant's remarks and the Examiner's response during the interview are reflected in the remarks below. The following remarks also reflect Applicant's response to the Examiner Interview Summary.

II. Amendments to the Claims

Claims 26-50 are pending and under examination. Applicant amends independent claims 26 and 38. The amendments are supported by Applicant's specification at, for example, page 8 line 28 to page 9, line 12. No new matter has been introduced by the amendments.

III. Office Action

In the Office Action, the Examiner took the following actions:

- (1) rejected claim 26 under 35 U.S.C. § 112, second paragraph;
- (2) rejected claims 26-29, 38-40, and 50 under 35 U.S.C. § 103(a) as being unpatentable over European Publication No. EP 1330095 A1 ("Lahtinen") in view of U.S. Patent App. Pub. No. 2004/0073810 A1 ("Dettinger");
- (3) rejected claims 29 and 41 under 35 U.S.C. § 103(a) as being unpatentable over *Lahtinen* in view of *Dettinger* and U.S. Patent App. Pub. No. 2003/0149888 A1 ("Yadav");

(4) rejected claims 30 and 42 under 35 U.S.C. § 103(a) as being unpatentable over *Lahtinen* in view of *Dettinger* and U.S. Patent No. 7,301,899 (“*Goldstone*”);

(5) rejected claims 31, 32, 43, and 44 under 35 U.S.C. § 103(a) as being unpatentable over *Lahtinen* in view of *Dettinger*, and further in view of U.S. Patent App. Pub. No. 2004/0015725 A1 (“*Cole*”);

(6) rejected claims 33, 34, 45, and 46 under 35 U.S.C. § 103(a) as being unpatentable over *Lahtinen* in view of *Dettinger*, *Cole*, and U.S. Patent No. 7,246,376 (“*Mohrram*”); and

(7) rejected claims 35-37 and 47-49 under 35 U.S.C. § 103(a) as being unpatentable over *Lahtinen* in view of *Dettinger* and *Mohrram*.

IV. Response to Rejections

Applicant respectfully traverses the aforementioned rejections, and requests reconsideration based on the following remarks.

A. Claim rejections under 35 U.S.C. § 112

The Office Action, on pages 2-3, rejected claim 26 under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Office Action asserted that the limitation “said data” recited in the last element of the claim is not clear. Without conceding the propriety of the rejection, Applicant amends claims 26 and 38 to instead recite “captured data.” Claim 26 thus complies with 35 U.S.C. § 112, second paragraph, and Applicant requests withdrawal of the rejection.

B. Claim rejections under 35 U.S.C. § 103(a)

The Office Action rejected all pending claims under 35 U.S.C. § 103(a). Applicant respectfully traverses the rejections at least because the Office Action has not properly resolved the *Graham* factual inquiries, the proper resolution of which is the requirement for establishing a framework for an objective obviousness analysis. *See M.P.E.P. § 2141(II)*, citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). Here, the scope

and content of the prior art have not been properly determined, nor have the differences between the claimed invention and the prior art been properly ascertained.

Specifically, as agreed by the Examiners during the Examiner Interview, *Lahtinen* and *Dettinger*, whether considered separately or combined, do not teach or suggest an “intrusion detection system” which comprises “a non-transitory computer readable medium encoded with a computer program product” which includes:

instructions for a sniffer for capturing data being transmitted on said network,
instructions for a pattern matching engine for comparing the captured data with the attack signatures for generating an event when a match between the captured data and at least one attack signature is found, and

instructions for a response analysis engine triggered by said event, for comparing with response data being transmitted on said network as a response to said captured data and for correlating results of said comparisons with attack and response signatures for generating an alarm,

as recited in pending claim 26.

Moreover, Applicant contends that the cited references do not teach or suggest the additional features recited in the amended claims 26 and 38. That is, the cited references do not teach or suggest an “intrusion detection system” which comprises “a database storing attack signatures and, for each of the attack signatures, a set of at least one corresponding response signature,” or “a non-transitory computer readable medium encoded with a computer program product” which includes “instructions for a response analysis engine … for selecting, from the database, a selected set of at least one response signature corresponding to the at least one matched attack signature, and comparing, with the selected set of at least one response signature, response data being transmitted on said network as a response to said captured data,” as recited in amended claim 26.

Pending claim 38, although differing in scope from claim 26, recites features similar to the above features of claim 26. Moreover, claims 27-29, 39, 40, and 50, each depend from, and

incorporate features of, one of claims 26 or 38. Therefore, for at least the above reasons, claims 26-29, 38-40, and 50 are patentable over *Lahtinen* and *Dettinger*.

Further, claims 30-37, and 41-49 also each depend from, and incorporate features of, one of claims 26 and 38. In its rejections of claims 30-37 and 41-49, the Office Action relied on *Lahtinen* and *Dettinger* for disclosing features recited in the base claims 26 and 38, and further cited *Yadav*, *Goldstone*, *Cole*, and *Mohrram* for disclosing additional features recited in the rejected claims. Regardless of whether *Yadav*, *Goldstone*, *Cole*, and *Mohrram* disclose those additional features, which Applicant does not concede, *Yadav*, *Goldstone*, *Cole*, and *Mohrram*, whether considered separately or in any combination with *Lahtinen* and *Dettinger*, do not cure the above-described deficiencies of *Lahtinen* and *Dettinger*.

V. Conclusion

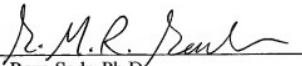
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 
Reza Sadr, Ph.D.
Reg. No. 63,292
(617) 452-1653